

Employment Law Alert:
Smoke Free Illinois Act Coming Soon to Your Neighborhood

The Smoke Free Illinois Act was signed by Gov. Rod Blagojevich on July 23, 2007. The new Act supersedes the Chicago Clean Indoor Air Ordinance of 2005 and replaces the Illinois Clean Indoor Air Act of 1990. The Illinois Clean Indoor Air Act permitted smoking in public places only in designated areas, and it did not apply to places of employment not frequented by the general public.

On January 1, 2008, smoking will be prohibited in all public places and places of employment in the State of Illinois with very few exceptions. The Chicago Clean Indoor Air Ordinance has already banned smoking in public places and places of employment in Chicago, with smoking permitted in bars and restaurants until July of 2008. Smoke Free Illinois accelerates the ban on smoking in bars and restaurants in Chicago, and prohibits smoking in virtually all public spaces in the entire state.

Smoking will be prohibited in all enclosed public places as well as within 15 feet of any doors, windows, or ventilation areas. Additionally, under Smoke Free Illinois, owners of public places can prohibit smoking in non-enclosed areas, including outdoor seating areas outside the 15 foot boundary. An owner or operator of an establishment in violation of Smoke Free Illinois, can be fined \$250 for the first violation, \$500 for the second, and no less than \$2500 for each subsequent violation. Smoke Free Illinois, like the previous Illinois Act, allows an individual to bring an injunction against establishments for violation of the Act.

The following places are exempt from the ban:

- Private residences, unless a business open to the public is operated there;
- Retail tobacco stores;
- Private rooms in nursing homes, healthcare facilities, or other long-term care facilities as long as all occupants are smokers; and
- Designated hotel rooms.

Recommendations to ensure compliance:

- Post signs marking the non-smoking areas;
- Eliminate smoking areas of bars and restaurants, and remove all ashtrays;
- Mark the 15 foot boundary around entrances to the building;
- Give notice to employees that smoking will no longer be allowed anywhere inside the buildings or with 15 feet of any entrances; and
- Advise employees of the process for reporting a violation.

For further information about the Smoke Free Illinois Act, please contact **Joan M. Eagle** at 312.845.5439 or jeagle@schwartzcooper.com, or any other member of Schwartz Cooper's Labor & Employment Law practice.